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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,705	12/08/2000	Tatsu Inoue	Q62170	9696
23373	7590	10/19/2006	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			LAMBRECHT, CHRISTOPHER M	
			ART UNIT	PAPER NUMBER
			2623	

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/731,705	INOUE, TATSU	
	<b>Examiner</b>	<b>Art Unit</b>	
	Christopher M. Lambrecht	2623	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 July 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-12 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Milnes et al. (Milnes), U.S. Patent No. 6,118,492 in view of Kohno et al. (Kohno), U.S. Patent No. 6,462,784.

Regarding claims 1 and 7, Milnes discloses a program guide displaying apparatus and corresponding method comprising:

a program information obtaining device (38, fig. 1) for obtaining program information (col. 2, line 61 - col. 3, line 10) including information indicative of a program name, a genre name, a start time, a length of a program or an end time, a broadcasting channel and a broadcasting date of respective one of a plurality of programs (col. 3, lines 33-61);

a setting device for setting a specific condition with respect to at least one of a time and a channel of the program (color-coding scheme [col. 3, lines 42-60] visually distinguishes programs with respect to time); and

a displaying device (col. 3, lines 5-10) which displays a first program table (illustrated in fig. 2) and a second program table (guide with program listings limited according to theme; col. 5, lines 1-9), wherein said display device displays in a first program table (fig. 2) a plurality of program information for said programs in a plurality of cells, such that each of said cells contains information on one of said programs (i.e., title or name), wherein said cells are arranged in a 2-dimensional format having a time axis (horizontal) and a channel axis (vertical);

wherein said displaying device displays in said second program table the plurality of program information which has been edited for each genre of said programs (i.e., displays program information for programs fitting a particular theme; col. 5, lines 1-9), and a form of display for each genre is differentiated for each genre (theme based color coding, col. 3, lines 42-60; see also col. 2, lines 4-9); and

wherein a first portion (background color within time range indicated as 135 of fig. 2) of each of said cells, which satisfies the specific condition set by said setting device (i.e., available for viewing) is displayed in a display form which is different from that of a second portion (background color outside of time range indicated as 135 of fig. 2) of each of said cells which does not satisfy the specific condition set by said setting device (unshaded regions of, e.g., program cells corresponding to ESPN, HBO, and A&E),

wherein said first portion is adjacent to said second portion along said time axis (see fig. 2 and col. 3, line 53 - col. 4, line 11).

Milnes does not disclose displaying a third portion identifying a present day to a day next week, and wherein if one day of the third portion is specified, the programs of the one day are displayed in the first program table. However, in an analogous art, Kohno discloses a program guide display that displays a first table (see fig.16) including the claimed third portion (199) identifying a

Art Unit: 2623

present day ("TODAY") to a day next week ("1 TUE"), wherein if one day of the third portion is specified, the programs of the one day are displayed in the first program table (col. 11, ll. 17-53).

This enables direct and rapid changing of the selected day (col. 11, ll. 37-43).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the program guide display of Milnes to include a third portion identifying a present day to a day next week, wherein if one day of the third portion is specified, the program of the one day are displayed in the first program table, as taught by Kohno, to enable faster browsing of the program listings.

As to claims 2-3 and 8-9, Milnes in view of Kohno discloses a program guide displaying apparatus and corresponding method according to claims 1 and 7, wherein said displaying device displays the first program table and the second program table such that the first portion of each program within the first program table and a portion of each genre within the second program table are displayed with a same color (and thus pattern) for each genre (first [fig. 2] and second [limited form of fig. 2] program tables color code programs according to genre; see above).

As to claims 4-5 and 10-11, Milnes in view of Kohno discloses a program guide displaying apparatus according to claims 1 and 7, wherein said displaying device displays the first program table and the second program table such that the first portion of each program, which satisfies the specific condition, is displayed with a color (and thus pattern) different from that for the portion of each program, which does not satisfy the specific condition (col. 3, lines 42-60).

As to claims 6 and 12, Milnes in view of Kohno discloses the program guide displaying apparatus according to claims 1 and 7, wherein the first and second portions of a program cell are displayed differently according to whether said portions fall within current or future programming times (e.g., see background colors/shading of cells spanning beyond 135 of fig. 2). In addition, Milnes discloses further visually distinguishing an overlapped portion (i.e., program name) of the portions displayed in different manners from each other is displayed in a further different display manner (font of program names are distinguishable on each of first and second portions; see fig. 2 and col. 3, lines 42-65).

Regarding claims 14 and 15, see Milnes and Kohno as applied to claims 1 and 7, above. In addition to the first and second portions, which are displayed differently depending on whether the specific condition is met (i.e., whether the portion of the cell is currently available or in the future), Milnes discloses a genre display portion which is different (and displayed differently) than each of said first and second portions (program name font color-coded according to genre; see fig. 2 and col. 3, lines 42-60).

As to claims 16 and 17, Milnes in view of Kohno discloses the apparatus of claims 14 and 15, wherein the form of display of said first, second and third (or genre) portions of said cells is color (col. 3, lines 42-60).

4. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Milnes in view of Kohno as applied to claim 2 above, and further in view of Orito, U.S. Patent No. 6,392,709.

Milnes in view of Kohno discloses a program guide displaying apparatus as discussed above with respect to claims 1 and 2. In addition, Milnes discloses displaying a freely movable cursor in said first program table, as claimed (see col. 3, lines 5-33 and col. 5, lines 10-40).

Milnes in view of Kohno fails to disclose displaying a summary information cell of a program selected by said cursor, wherein the first program table and the summary information cell are displayed at the same time. However, in an analogous art, Orito discloses a summary information cell which indicates a summary content of a program displayed as a cell in a program table when said program is selected by a cursor displayed in said table, wherein the program table and the summary information cell are displayed at the same time (see figs. 9-10 and col. 6, line 44 - col. 7, line 20). Orito further discloses that summary information cell scheme disclosed therein enables the user to obtain additional program information without obscuring the relationship between the program table and the summary information (col. 1, line 55 - col. 2, line 4). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Milnes in view of Kohno to include a summary information cell displayed at the same time as the first program table, as taught by Orito, for the benefit of providing a more user-friendly interactive programming guide.

### *Conclusion*

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the

Art Unit: 2623

mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Lambrecht whose telephone number is (571) 272-7297. The examiner can normally be reached on Mon-Fri, 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher M. Lambrecht  
Examiner  
Art Unit 2623

cml



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